

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|----------------------------------|---|-----------------------|
| _____ |) | |
| CRYOVAC, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No.: 04-1278-KAJ |
| |) | |
| PECHINEY PLASTIC PACKAGING INC., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

DECLARATION OF JEFFREY GARDNER

I, Jeffrey Gardner, hereby depose and declare as follows:

1. I was employed by Cryovac, Inc. as a Vice President of Sales for North America in December 2003 and January 2004.
2. When National Beef sent its January 14, 2004 to e-mail Cryovac, the parties had negotiated a document that included the quantity, price, and the type of products to be supplied, along with the other essential terms of an agreement.
3. Approximately 2 ½ hours after Cryovac received the National Beef e-mail on January 14, 2004, I responded with an confirming e-mail that stated

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 5th day of April, 2005,


Jeffrey Gardner